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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,341	11/11/2003	Gerald J. Grott	665-P-5-USA	6820

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DRUMMOND & DUCKWORTH
East Tower, Suite 440
5000 Birch Street
Newport Beach, CA 92660

EXAMINER

GELLNER, JEFFREY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/706,341	Applicant(s) GROTT, GERALD J.	
	Examiner Jeffrey L. Gellner	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are is rejected under 35 U.S.C. §103(a) as being unpatentable over McManus (AWWA Annual Conf., 1997) in view of McGrew et al. (US 3,331,207).

As to Claim 4, McManus discloses a method of using aqueous effluent (page 441, 1st para.) comprising collecting water contaminated with Na or Ca or Cl salts (inherent in “agricultural wastewater” of page 441, 1st para.) and using in a cooling tower it dissipate heat (page 441, 1st para.). Not disclosed is processing the contaminated water into a first effluent of clean water and second effluent of wastewater and using for the cooling tower the clean water if its sodium content is too high for portable use. McGrew et al., however, discloses separating waste water into two effluents (col. 1 lines 38-44) and using the clean water effluent as potable water (col. 1 lines 38-44) and using the other effluent for other, non-potable uses (col. 1 lines 38-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of McManus by separating waste water into two effluents (col. 1 lines 38-44) and using the clean water effluent as potable water (col. 1 lines 38-44) and using the other effluent for other, non-potable uses, if possible, and to test the clean water effluent for Na before use as potable water and to not use as potable water if too high a Na count.

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As to Claim 5, McManus as modified by McGrew et al. further disclose a step of water softening (3rd para of page 441 of McManus).

As to Claim 6, McManus as modified by McGrew et al. further disclose the use of precipitation (inherent in “line/soda softening” of 3rd para. of page 441 of McManus).

Response to Arguments

Applicant's arguments filed 18 May 2005 have been fully considered but they are not persuasive. The crux of Applicant's arguments are: (1) neither McManus nor McGrew et al. disclose processing contaminated water to produce a first effluent of clean water or a second effluent of waste water (Arguments page 5, bottom para.); and, (2) neither McManus nor McGrew et al. disclose or suggest testing clean, or processed, water to determine sodium content as claimed by Applicant (Argument page 6, 1st complete para.); and (3) .

As to argument (1), McGrew et al. discloses processing contaminated water to produce a first effluent of clean water and a second effluent of waste water at col. 1 lines 35-44. Here, McGrew et al. discloses the “reuse of contaminated or waste water” by creating a “dual distribution system” with one being “essentially pure and clean water” and the other being “impure or reused water.” In other words, McGrew et al. discloses taking waste water and processing into two effluents - one effluent pure water and the other effluent impure water. Processing of the waste water is implied in the disclosed system. Testing is also implied in the system in that the water effluents must be tested to insure the pure water is, in fact, pure. Pure water that has too high a salt content, by definition, would be impure water in the system of McGrew et al.

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As to argument (2), McGrew et al. disclose the processing and testing of waste water as described in the previous paragraph. By its language claim 4 does not claim testing and processing contaminated water for Na. Claim 4 only claims that the water is contaminated with Na or other salts of several ions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bull et al. and Cooper disclose in the prior art various methods of testing waste water.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The

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Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The official fax telephone number for the Technology Center where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

A handwritten signature in black ink, appearing to read 'J. L. Gellner', with a stylized flourish at the end.

Jeffrey L. Gellner
Primary Examiner